

Electra Theodorides-Bustle  
Executive Director

2900 Apalachee Parkway  
Tallahassee, Florida 32399-0500  
[www.flhsmv.gov](http://www.flhsmv.gov)



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Governor

**Bill McCollum**  
Attorney General

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**Charles H. Bronson**  
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January 15, 2009

TO: Clerks of County Court  
Law Enforcement Agencies  
State Attorneys

FROM:  Dana Reiding, Chief  
Bureau of Records  
Division of Driver License

SUBJECT: Fraudulent Insurance Claims, Section 817.234 (8)(a) and (9), Florida Statutes

A recent internal audit of our driver database reflects that we have not received any suspensions or revocations related to Fraudulent Insurance Claims, section 817.234 (8) (a) and (9), Florida Statutes.

Subsection 8(a) of this statute makes it “unlawful for any person intending to defraud any other person to solicit or cause to be solicited any business from a person involved in a motor vehicle accident for the purpose of making, adjusting, or settling motor vehicle tort claims or claims for personal injury protection benefits required by s. 627.736.” A person who is convicted of a violation of this subsection shall be sentenced to a minimum term of imprisonment of 2 years.

Subsection 9 of this statute indicates “a person may not organize, plan, or knowingly participate in an intentional motor vehicle crash or a scheme to create documentation of a motor vehicle crash that did not occur for the purpose of making motor vehicle tort claims or claims for personal injury protection benefits as required by s. 627.736.” A person who is convicted of a violation of this subsection shall be sentenced to a minimum term of imprisonment of 2 years.

The Department would like to remind all Clerks, Law Enforcement Agencies and State Attorneys that per section 322.26 (9), Florida Statutes a mandatory revocation of a driver license is required for those individuals who are convicted of False and Fraudulent Insurance Claims for a period of one year, as required by section 322.28, Florida Statutes, unless the court directs our department to revoke for a different amount of time. Convictions for these violations may be submitted to our Department on the Court Order Report of Disposition Form.

If you have any questions regarding the driver license sanction, please consult <http://www.flhsmv.gov/courts/>, or call Alicia Armstrong at (850) 617-2571 or email [court-assist@flhsmv.gov](mailto:court-assist@flhsmv.gov).